

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

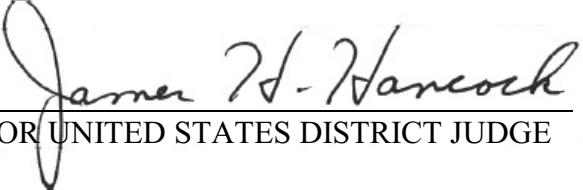
GREGORY LEE TERRY, ]  
] Petitioner, ]  
] v. ] CV-09-JHH-RRA-2530-NE  
] GENE MITCHELL, et al., ]  
] Respondents. ]

**MEMORANDUM OPINION**

This is a habeas corpus petition. The magistrate judge entered a report and recommendation recommending that the action be dismissed to allow the petitioner to exhaust the remedies available in state court. No objections have been filed. The court has considered the entire file in this action, including the report and recommendation, and has reached an independent conclusion that the report and recommendation is due to be adopted and approved.

Accordingly, the court hereby adopts and approves the findings and recommendation of the magistrate judge as the findings and conclusions of the court. This habeas petition is due to be dismissed without prejudice. An appropriate order will be entered.

**DONE** this the 2nd day of February, 2010.

  
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SENIOR UNITED STATES DISTRICT JUDGE